

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES

LEISURE CENTERS, INCORPORATED
d/b/a GRAND RIVER VILLAGE,

and

Case No. 7-CA-38229
7-RC-20997

LOCAL 243, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS, AFL-
CIO,

Mark Rubin, Esq., and Patricia Fedowa, Esq., for the General Counsel.
Lee Ann Anderson, Esq., for the Charging Party.
Robert Seigel, Esq., for the Respondent.

DECISION

Statement of the Case

Robert T. Wallace, Administrative Law Judge. This consolidated case was tried in Detroit, *Michigan* on November 19 and 20, 1996. The complaint in 7-CA-38229, as amended at the hearing, alleges that Respondent violated Section 8(a)(1) of the Act by interrogating employees about union activities and Section 8(a)(3) and (1) of the Act by discharging employee Todd Bruchnak because of his union activities. Respondent submitted answers denying the essential allegations in the complaint. 7-RC-20997 is a representation proceeding in connection with a Board-conducted election which the Charging Party Union lost 13-12 with 4 challenged ballots which are determinative. The parties stipulated that two of the challenges involve employees who, it is now agreed, were not eligible to vote in the election. The other two challenges remain to be resolved. Respondent alleges that Bruchnak was not eligible to vote because he was properly discharged, and, in any event, did not have a community of interest with the other employees in the election. It also alleges that another employee, Justin West, was ineligible because he was excluded from the unit by the terms of the election agreement of the parties. The Charging Party Union urges that the ballots of both employees should be counted. After the conclusion of the trial, the parties filed briefs, which I have read and considered.

Based on the entire record, including the testimony of the witnesses and my

observation of their demeanor, I make the following

Findings of Fact

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I. Jurisdiction

10 The Respondent, a corporation, with an office and place of business in Farmington Hills, Michigan, is engaged in the operation and management of an assisted living facility. In a representative one year period, Respondent derived gross revenue in excess of \$500,000; it also purchased supplies valued in excess of \$10,000 from suppliers outside the State of Michigan and caused them to be shipped directly to its facility in Farmington Hills. Accordingly, I find as Respondent concedes, that it is an employer engaged in commerce within the meaning of Section 2(2), (2) and (7) of the Act.

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The Charging Party Union (hereafter the Union) is a labor organization within the meaning of Section 2(5) of the Act.

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II. Alleged Unfair Labor Practices

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